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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,288	07/10/2003	Taro Yokoyama	59494.00004	1576

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EXAMINER

EDWARDS, PATRICK L

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/616,288

Applicant(s)

YOKOYAMA, TARO

Examiner

Patrick L. Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11 and 14 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 7, 12, 13, and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 5, 6, 7, 12, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Further, claims 7 and 14 are subject to a 35 USC 112(2) rejection as a result of their dependency from claim 3. This 112(2) matter would also need to be resolved before they would be in condition for allowance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 3, 4, 7, 10, 11, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
Claim 3 recites that the section that detects the hand position sets a predetermined search region within the image, based upon the position of the hand. This claim is circular in that a section which is designed to detect a hand cannot possibly set a predetermined search region based on the position of the hand. In order for a search region to be set based upon the position of the hand, the position of the hand has to be already known. A device for detection a hand position would serve no purpose if the hand position was already known.
Claims 4, 7, 10, 11, and 14 are rejected based on their dependency from claim 3.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harakawa et al. (USPN 6,385,331) in view of Liu (USPN 6,553,281)

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Regarding independent claim 1:

Harakawa discloses a pointing position detection device which detects the presence of a human being from an image which is photographed by a plurality of cameras, and which detects a position at which the human being is pointing [Harakawa col. 9 lines 58-61] comprising:

- a section which detects a hand position of the human being, including at least distance information, based upon the image [Harakawa col. 10, lines 1-3].
- a section which calculates a position of a hand tip and a main axis of the hand, based upon the hand position which has been detected [Harakawa col. 11 line 21: The reference describes locating the tip of the hand. The reference later describes that this locating process involves determining 3-D coordinates of the hand tip (see col. 20 lines 54-56).
- a section which detects a direction in which the human being is pointing, based upon the head position which has been detected and the position of the hand tip and the main axis of the hand which have been calculated wherein the position at which the human being is pointing is detected, based upon the detected direction in which the human being is pointing [Harakawa col. 11 lines 24-27 and lines 38-45: The reference describes detecting the direction of the pointing based on a feature point and a reference point. The reference point here is not a head, as is required by the claim, but is rather another body part such as a shoulder or joint. However, it would have been obvious to use the head as a reference point. This will be discussed next.].

Regarding the limitation of detecting somebody's head and then using that head to help determine the direction and position in which a human being is point, Harakawa does not expressly disclose using a head, but rather discloses using another reference point, such as the chest or a shoulder joint. Liu, on the other hand, in the same field of endeavor of detecting of humans through imaging, discloses using the head (specifically, the eye, which is part of the head) as a reference point (see Liu col. 3 lines 40-60). It would have been obvious to one reasonably skilled in the art at the time of the invention to modify the Harakawa by using the head as a reference point as taught by Liu. Such a modification would have allowed for the reference point to be more easily determined, given that the head contains more discernable and therefore easily identifiable features than does a should joint.

Regarding claim 2, it has already been discussed that Liu's use of a head as a reference point is the use of the eye.

Regarding claim 3, to the extent that this claim can be given a reasonable interpretation (please see the 112(2) rejections above, which illustrate the difficulty in interpreting the claim), Harakawa discloses setting a predetermined search region [see Harakawa col. 16 lines 1-30: The "image pickup range" from Harakawa is analogous to the claimed "predetermined search region"].

Regarding claim 4, it is unclear to the examiner how this claim adds any further limitations to the claim from which it depends. This claim recites that the main axis of the hand is detected "based upon a distribution of picture

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element data." But any detection of an object in an image would necessarily encompass the broad terminology of a "distribution of picture element data." Thus, the combination of Harakawa and Liu read on this limitation.

6. Claims 8-11 rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Harakawa and Liu as applied above, and further in view of well known prior art.

These claims simply add that limitations previously discussed are embodied on an autonomous robot. It is well known in the image processing art to use robots for image detection purposes (Official Notice). It would have been obvious to embody the Harakawa and Liu disclosures on a well-known robot in order to make for a completely automated device.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick L. Edwards whose telephone number is (571) 272-7390. The examiner can normally be reached on 8:30am - 5:00pm M-F.

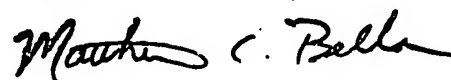
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patrick L. Edwards

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**MATTHEW C. BELLA
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